



# CITY OF SANTA BARBARA

## COUNCIL AGENDA REPORT

**AGENDA DATE:** February 27, 2007

**TO:** Ordinance Committee

**FROM:** Planning Division, Community Development Department

**SUBJECT:** Neighborhood Preservation Ordinance Update—First Review Of Draft Proposed Ordinance Amendments

**RECOMMENDATION:** That the Ordinance Committee:

- A. Review the draft updated Neighborhood Preservation Ordinance; and
- B. Consider the creation of a Neighborhood Preservation Committee (NPC).

### DISCUSSION:

### PRIOR ORDINANCE COMMITTEE REVIEW

On August 8, 2006, Council gave direction regarding the Neighborhood Preservation Ordinance/Single Family Design Guidelines (NPO/SFDG) Update project. There was unanimous support by Council on the majority of items in the proposed NPO/SFDG Update. The Council specifically recommended three topics be further discussed by the Ordinance Committee: two topics regarding FAR implementation and also, whether or not private view protection should be addressed by the program. On October 24, 2006, the Ordinance Committee discussed those three topics with the following conclusions:

- 1) Findings for "Over-Maximum" FAR projects to be further revised by City Attorney's Office, working with Planning staff. The results of the additional revisions are included in the ordinance amendments attached to this staff report.
- 2) FARs as guidelines only will apply to single-family projects located in multi-family zones.
- 3) The NPO Update should not include compliance with private views as part of a required finding, although the City can encourage applicants to consider the topic. The conclusion was that key introductory language and voluntary tips on this topic in the Good Neighbor Guidelines and Tips section of the Single Family Design Guidelines would be sufficient.

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REVIEWED BY: \_\_\_\_\_ Attorney

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### **NEIGHBORHOOD PRESERVATION ORDINANCE COMMITTEE PROPOSAL**

A key part of the proposed ordinance update is how it will be administered. Throughout the NPO Update process, there has been concern regarding the amount of additional work which might result for the Architectural Board of Review (ABR) if expanded purview of all second-story type projects was contemplated. Given the current ABR workload levels and weekly meeting length constraints, various options to either reduce or limit the quantity of items referred to the ABR have been considered. One option is to divide the ABR's review authority with the creation of a new separate committee focused on NPO projects.

The Neighborhood Preservation Ordinance (NPO) Update is expected to add 40 to 50 cases yearly to the Design Review process workload. The ability to recruit and maintain steady Design Review board membership is an ongoing problem and creative solutions are necessary for effective response to this increased workload. Staff initially proposed changes to the City Charter regarding composition of the ABR membership and additional incentives including offering boardmember compensation as methods to encourage more applications for ABR membership. Current recruitment problem areas include strict conflict of interest rules, monthly time commitment, residency requirements, and lack of compensation or benefits.

In December, 2006 staff initiated a discussion with the ABR and an ABR Subcommittee on the changes to the City's Charter regarding ABR's structure, function, and possibilities for change in response to the upcoming NPO Update adoption and recruitment options. Also in December, the Council Advisory Subcommittee along with the ABR subcommittee further discussed options. The Council Advisory Subcommittee provided direction on many changes which could be beneficial for ABR structure, function and recruitment. One proposal determined to be more favorable and readily feasible was to create a "Neighborhood Preservation Committee" (NPC) to be included within the Neighborhood Preservation Ordinance Update proposal. Following are draft proposed components of the NPC.

**The Neighborhood Preservation Committee (NPC)** is proposed as a non-charter, review body appointed by the City Council. The NPC would review one and two residential new structures, additions and alterations as well as site improvements on single-family properties that require Design Review due to the NPO. Duplexes in non-single-family zones would not be eligible for NPC review as they will not be NPO-related. All duplexes in non-single family zones (one- or two- story or more) will go to ABR, not the new NPC.

**Relationship to ABR.** Two members of the ABR would serve on the NPC. The NPC would have the ability to refer difficult projects to the ABR for comment when necessary. The NPC and ABR would meet on alternating Mondays. Members of the NPC who are not members of the ABR would not be affected by certain conflict-of-interest rules related to prohibitions from working on City institutional projects because such projects would be reviewed by the ABR, not the NPC.

**Regular Meetings** would be held every other Monday from 3:00 P.M. until mid-evening, consistent with the City's policies to be respectful of both staff's need to work during daytime hours, and the public's needs to have new projects heard after 5:00 P.M. A "Consent Calendar" meeting would occur each week for both the ABR and the NPC to ensure small projects and projects in final review stages can be reviewed expeditiously.

**Membership** of the NPC is proposed to be:

- One licensed architect (not an ABR member)
- One landscape architect or related profession (not an ABR member)
- One public-at-large member (not an ABR member)
- Two ABR members

Neighborhood Preservation Committee guidelines to be developed as part of the NPO Update implementation will also include the following preferences:

- One licensed landscape architect is preferred for the landscape architect member, but related professionals with sufficient experience (e.g., five years) in landscape design or contracting may be considered if there are no landscape architect applicants.
- Among the two ABR members assigned to the Committee, the preference is for one to be a licensed architect and the other to be in a related field. Public-at-large ABR members should not serve on the NPC.

The two members from the ABR would help provide consistency in review approaches to projects, and minimize the overall number of hearing body members who must be recruited. Also, other ABR members may serve as substitutes on the NPC in order to achieve a quorum of three when necessary. In addition, there must always be a minimum of one architect present to achieve a quorum, and two architects must be present for a vote on an over-the-maximum FAR project proposal.

**Over Max. FAR Project Votes:** Four of the five NPC members (a supermajority of the Committee) would be required to approve projects proposing over 100% of the maximum FAR.

**Appeals of** NPC decisions would be first to the ABR and then to City Council.

**Compensation** is proposed as follows:

- \$25 - \$50 per Consent Calendar meeting for Consent reviewer for both ABR and NPC.
- \$25 - \$50 per NPC meeting attended by ABR members to compensate them for the extra time they are spending beyond normal ABR commitments.

**Other Costs** associated with this proposal are not considered significant. Planning staff determined that the ABR would need to assume an every-other-week meeting schedule due to budget and staff resource concerns. The lessened ABR workload to result from the new NPC formation should make this schedule feasible.

Currently, ABR has a Consent Calendar each week. Adding a weekly NPC Consent Calendar would result in two Consent Calendars per week. Staffing a second Consent Calendar each week would constitute one of the significant increases in staff workload posed by the NPO Update. It appears that current Design Review, Administration, and Zoning plan check staff will be able to handle the workload of this proposal with minor workload reassignments.

### **DRAFT REVISED ORDINANCE PROPOSALS**

Various sections of the Municipal Code need revision to implement NPO Update recommendations. Some of the proposed ordinance revisions have been drafted (attached). Staff is working on other sections and will present them to the Ordinance Committee at a subsequent meeting. One of the original goals of the NPO Update was to simplify the Ordinance language. This new code separates single-family projects from other Design Review projects, which allows for a more organized presentation of the NPO. Also, the draft updated code eliminates the previous convoluted exemption language for single-family project review.

#### **A. Draft Ordinance Revisions Provided in this Report**

- **Chapter 22.68 Architectural Board of Review** Design Review purview is proposed to be focused on commercial and multi-unit projects.
- **Chapter 22.69 Neighborhood Preservation Committee (NPC)** to be created as described above. Design Review purview is proposed to cover NPO (single-family) projects. NPC has the ability to refer complicated projects to the ABR for comment. Projects which require an Environmental Impact Report also require Planning Commission approval before final NPC approval can be given. Includes required findings for project approvals in Section 22.69.050. Appeals from this committee are to the ABR per Section 22.69.100.
- **Section 22.69.040 NPC Notice and Hearing** is required to include property owners of 20 closest lots and an on-site notice posting.
- **Section 22.60.050 NPC Preservation Ordinance Findings** include compatibility findings, special Hillside findings and include a requirement for general compliance with the “Good Neighbor” privacy, landscaping, noise and lighting guidelines listed in the Single Family Design Guidelines.
- **Section 28.15.083 Floor to Lot Area Ratio (FAR)** is referred to as a “maximum net floor area.”
  - Sets floor area maximums for projects involving two or more stories for lots under 15,000 square feet via formulas (section 28.15.083)

- Planning Commission modifications required for two or more story homes to exceed FAR maximum or 85% of max. FAR when certain other conditions apply (section 28.28.15.083.C)
- Limited one-time increase allowed for homes that are legal non-conforming as to FAR (section 28.87.030.D.1.c)
- **28.92.110 Modifications** includes a provision for exceeding the maximum net floor area standard if three findings are made.

## **B. Pending Draft Ordinance Amendments**

The following amendments are being completed by staff and will be presented at a subsequent Ordinance Committee hearing:

- **Basement square footage calculations** for floor to lot area ratios
- **Balcony encroachments** into interior yards restrictions
- **Green building two-star requirement** for over 4,000 square foot proposals
- **Hillside items:**
  - Requirements for NPC review for exterior alterations on properties with slopes over 20%
  - Hillside design district boundaries
  - Building height definition
  - Grading
  - Terracing projects with multiple retaining walls
- **On-site parking flexibility** for under 85% of max. FAR proposals
- **Zoning ordinance general definition changes** regarding grading topics and deck and balcony definitions.
- **New grading standards** required for projects on 20% or greater slope or more than 250 cubic yards outside of the main building footprint.

## **BUDGET/FINANCIAL INFORMATION:**

Significant budget impacts are not expected as a result of proposed ordinance amendments and a new NPC and ABR every other week schedule. The budget submitted by the Community Development Department reflects proposals for stipends for some ABR member activities and additional staff training to accommodate proposed NPO programs.

## **SUSTAINABILITY IMPACT:**

The proposed NPO Update would improve the sustainability of level of single-family development patterns in the City in many ways, including the following:

- **Smaller home development patterns will result.** Homes are required to be under maximum square footage limits on lots of less than 15,000 square feet. Smaller homes generally use less building material resources and have fewer environmental impacts associated with construction. Smaller homes also typically have less long-term energy use than larger homes and over time, need less maintenance that might involve the use of toxic materials. Smaller homes allow for more opportunities for site soil infiltration of storm water, and for more landscaping opportunities.
- **Some smaller garages and less major site redevelopment may result.** Some projects may be eligible for on-site parking flexibility to allow one covered parking space instead of two. Smaller garages have environmental benefits similar to smaller homes. This provision can also allow for continued use of existing one-car garages rather than the substantial home and garage demolitions which frequently occur to meet the requirement for two covered parking spaces.
- **Built Green Program will be required for some homes.** Homes proposed to be over 4,000 square feet are required to be built at a two-star Santa Barbara Built-Green level or higher.
- **Grading environmental safeguards will be improved.** Additional safeguards and requirements regarding projects proposing significant grading are required.

**CONCLUSION:**

Staff will return to the Ordinance Committee with a complete draft of ordinance updates for one last review prior to Council Introduction of the item.

**NOTE:** The following documents have been provided to the Mayor and Council under separate cover, and are available for review in the Council office, and the City Clerk's office:

1. Previous Council and Ordinance Committee Staff Reports and Minutes
2. SFDG/NPO Update Package, published April 2006

**ATTACHMENT:** Proposed NPO Update related Draft Ordinance Amendments

**PREPARED BY:** Heather Baker, AICP, Project Planner

**SUBMITTED BY:** Paul Casey, Community Development Director

**APPROVED BY:** City Administrator's Office